

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS

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In re:

BUHRE BEVERAGE DISTRIBUTION, INC.,

Chapter 11

Case No. 14-22048-rdd

Debtor.
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WILLIAM SANCHEZ,

Plaintiff,

Adv. Pro. No.: 14-08218-rdd

-against-

BUHRE BEVERAGE DISTRIBUTION, INC.,
BHAVEEN SAPRA, BRUCKNER BEVERAGE, INC.
and PEPSI-COLA BOTTLING COMPANY OF NEW
YORK, INC.,

Defendants.
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ORDER TO SHOW CAUSE WITH TEMPORARY RESTRAINING ORDER

UPON the annexed Affidavit of WILLIAM SANCHEZ ("Sanchez") sworn to on the 29th day of April, 2014, the annexed Affirmation of MICHAEL G. Mc AULIFFE, ESQ., dated April 29, 2014, and the exhibits annexed thereto, the annexed Affirmation of ANNE PENACHIO dated April 25, 2014 and upon all the papers and proceedings heretofore had herein, it is

ORDERED that PEPSI-COLA BOTTLING COMPANY OF NEW YORK, INC. ("Pepsi") and/or any of its attorneys, Show Cause before this Court, located in Courtroom 118 at the United States Bankruptcy Court, 300 Quarropas Street, White Plains, New York 10601 on the _____ day of _____, 2014 at _____ o'clock in the forenoon of that day or as soon as thereafter as counsel can be heard, WHY an Order should not be made:

1. Restraining and enjoining Pepsi and/or any of their agents from actively and/or constructively terminating the Debtor's and/or Sanchez's rights under the existing

distributor agreement between Pepsi, Buhre and Sanchez (the “Buhre Distributor Agreement”); and

2. Directing Pepsi to immediately restore control and operation of the certain Pepsi distribution route that covered certain territory in the Bronx, New York (the “Buhre Pepsi Route”) that is the subject of the Buhre Distributor Agreement, to the Debtor under the normal and ordinary terms thereof;
3. For such other and further relief as this Court deems just and equitable under the circumstances; and it is further

ORDERED that PEPSI-COLA BOTTLING COMPANY OF NEW YORK, INC., and any of its successors in interest, and any of its agents and/or attorneys be and hereby are restrained and enjoined from actively and/or constructively terminating the Debtor’s and/or Sanchez’s rights under Buhre Distributor Agreement, pending further order of this Court; and it is further

ORDERED that PEPSI-COLA BOTTLING COMPANY OF NEW YORK, INC., and any of its successors in interest, and any of its agents and/or attorneys be and hereby are directed to immediately restore control and operation of the Buhre Pepsi Route that is the subject of the Buhre Distributor Agreement, to the Debtor under the normal and ordinary terms thereof; and it is

ORDERED, that service upon the OFFICE OF THE UNITED STATES TRUSTEE, PENACHIO MALARA LLP, the Debtor’s counsel of record herein, PEPSI-COLA BOTTLING COMPANY OF NEW YORK, INC., and any parties having filed a Notice of Appearance and Request for Receipts of Notices in this case, of this Order to Show Cause and the papers upon which it is granted on or before April ___, 2014, by overnight mail, shall constitute good and sufficient service and notice hereof.

Dated: White Plains, New York
April ___, 2014

HON. ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE